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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

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10 BUNGE LIMITED, *et al.*,

11 Plaintiffs,

12 v.

13 BUNGECHICAGO.COM,

14 Defendant.

15 Case No. C13-0621RSL

16 ORDER GRANTING PLAINTIFFS
17 LEAVE TO TAKE EXPEDITED
18 DISCOVERY

19 This matter comes before the Court on “Plaintiffs’ Motion for Leave to
20 Take Expedited Discovery” in the above-captioned matter. Dkt. # 15. Because this
21 action is proceeding *in rem* and the identities of the individuals behind the allegedly
22 infringing website have been difficult to discern, plaintiffs cannot conduct a traditional
23 Rule 26(f) conference and require discovery to locate the persons responsible for the
24 defendant domain name.

25 Plaintiffs’ motion for leave to take expedited discovery is GRANTED in
26 part. Plaintiff may initiate discovery, including the issuance of subpoenas under Fed. R.
27 Civ. P. 45, on the registrar of the domain name BUNGECHICAGO.COM in an effort to
28 identify the persons responsible for the defendant domain name and the associated
29 website. The recipient of a subpoena authorized by this Order shall give written notice,

1 which includes email notice, and a copy of the subpoena to the registrant as soon as
2 possible after service of the subpoena. The registrar and/or registrant shall have thirty
3 (30) days from the date of service of the subpoena on the registrar to object to the
4 subpoena pursuant to Fed. R. Civ. P. 45(c)(2)(B). The registrar shall not disclose the
5 requested information during the 30-day period or if a timely objection is served unless
6 and until the Court orders it to do so. If an objection is served, the registrar shall preserve
7 any material responsive to the subpoena for a period of six months in order to allow
8 plaintiffs to move for an order compelling production under Fed. R. Civ. P.
9 45(c)(2)(B)(i). If no objection is served, the registrar shall comply with the subpoena
10 within ten (10) days.

11 Plaintiffs have not justified their request for leave to file discovery on
12 unidentified persons or entities related to “other similar websites and domain names,”
13 however. If the information obtained from the domain name registrar is insufficient or
14 suggests other avenues of investigation, plaintiffs may request leave of Court to serve
15 additional third-party discovery.

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17 Plaintiff shall provide a copy of this Order with each subpoena issued
18 pursuant thereto.

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20 Dated this 22nd day of May, 2013.

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22 Robert S. Lasnik
23 United States District Judge
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